

1 CHARLES CARREON, ESQ. (127139)  
2 2165 S. Avenida Planeta  
3 Tucson, Arizona 85710  
4 Tel: 520-841-0835  
5 Fax: 520-843-2083  
6 Email: chas@charlescarreon.com

7 Attorney Pro Se for Plaintiff Charles Carreon

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHARLES CARREON ) Case No.: CV-12-3112-EMC  
Plaintiff, )  
vs. )  
MATTHEW INMAN, INDIEGOGO, INC., )  
NATIONAL WILDLIFE FEDERATION, )  
AND AMERICAN CANCER SOCIETY, )  
and Does 1 – 100, )  
Defendants, )  
and )  
KAMALA HARRIS, Attorney General of the )  
State of California, )  
A Person To Be Joined If )  
Feasible Under F.R.Civ.P. 19. )  
\_\_\_\_\_  
)

) DECLARATION OF CHARLES  
CARREON PURSUANT TO GENERAL  
ORDER NO. 45 VI.E AND REQUEST  
PURSUANT TO F.R.CIV.P. 6(a)(3)(A)  
THAT PAPERS FILED AS DOCKET  
ITEM # 20 BE DEEMED FILED JUNE 28,  
2012 AT 4:46 P.M. DUE TO COURT  
CLOSURE DUE TO INACCESSIBILITY  
OF COURT WEBSITE ON JUNE 28<sup>TH</sup>  
AND 29<sup>TH</sup>

Judge: Hon. Edward M. Chen  
Courtroom: 5, 17<sup>th</sup> Floor

DECLARATION OF CHARLES CARREON

Charles Carreon declares:

1. I am a member of the bar of the State of California, admitted to practice in all state and  
federal courts of the state, and attorney pro se for Plaintiff. I make this declaration in support of  
Plaintiff's Ex Parte Motion for Temporary Restraining Order and Order to Show Cause Re  
Permanent Injunction, based on personal knowledge and an informed review of relevant  
documents. If called as a witness I could and would so competently testify.

1       2. Today, at 5:21 p.m., as reflected in **Exhibit A** hereto, I filed the documents identified on the  
 2 Court Docket at Docket # 20 (the “Ex Parte Application”), described in full on the Court Docket  
 3 as follows:

4

5       “Ex Parte Application For Temporary Restraining Order and Order  
 6 to Shaw Cause Re Preliminary Injunction filed by Charles Carreon.  
 7 (Attachments: # (1) MEMORANDUM OF POINTS AND  
 8 AUTHORITIES IN SUPPORT OF EX PARTE APPLICATION  
 9 FOR TEMPORARY RESTRAINING ORDER AND ORDER TO  
 10 SHOW CAUSE RE PRELIMINARY INJUNCTION, # (2)  
 11 Declaration Of CHARLES CARREON IN SUPPORT OF EX  
 12 PARTE APPLICATION FOR TEMPORARY RESTRAINING  
 13 ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY  
 14 INJUNCTION, # (3) Exhibit (S) A - K TO THE DECLARATION  
 15 OF CHARLES CARREON IN SUPPORT OF EX PARTE  
 16 APPLICATION FOR TEMPORARY RESTRAINING ORDER  
 17 AND ORDER TO SHOW CAUSE RE PRELIMINARY  
 18 INJUNCTION, # (4) Proposed Order EX PARTE TEMPORARY  
 19 RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE  
 20 PRELIMINARY INJUCNTION)(Carreon, Charles) (Filed on  
 21 6/30/2012)”

22       3. I request that the Ex Parte Application be deemed filed at June 28, 2012, 4:46 p.m. pursuant  
 23 to F.R.Civ.P. Rule 6(a)(3)(A), due to a Court closure. Rule 6(a)(A) was amended in 2009, and  
 24 the Committee Notes on Rules states as follows:

25       “The text of the rule no longer refers to ‘weather or other  
 26 conditions’ as the reason for the inaccessibility of the clerk’s office.  
 27 The reference to *‘weather’ was deleted from the text to*  
*underline that inaccessibility can occur for reasons unrelated to*  
*weather, such as an outage of the electronic filing system.*  
 28 Weather can still be a reason for inaccessibility of the clerk’s  
 office. The rule does not attempt to define inaccessibility. Rather,  
 the concept will continue to develop through caselaw, *see, e.g.*,  
 William G. Phelps, *When Is Office of Clerk of Court Inaccessible  
 Due to Weather or Other Conditions for Purpose of Computing  
 Time Period for Filing Papers under Rule 6(a) of Federal Rules of  
 Civil Procedure*, 135 A.L.R. Fed. 259 (1996) (collecting cases). In  
 addition, many local provisions address inaccessibility for  
 purposes of electronic filing, *see, e.g.*, D. Kan. Rule 5.4.11 (‘A  
 Filing User whose filing is made untimely as the result of a  
 technical failure may seek appropriate relief from the court.’).”

Committee Notes on Rules – 2009 Amendment. (Emphasis added.)

4. This Court has adopted General Order 45.VI.E that provides as follows:

**“Technical Failures.** The Clerk shall deem the ECF web site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day, in which case filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings shall be accompanied by a declaration or affidavit attesting to the filing person's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay due to such technical failure.”

5. I first attempted to file the Ex Parte Application on Thursday, June 28, 2012 at shortly before 4:48 p.m., as evidenced by the email attached as **page 1 of Exhibit B** in which I wrote to the ECF Helpdesk, as follows:

Dear ECF Helpdesk:

I am requesting assistance to file the attached Ex Parte Application that is being rejected by the ECF system and showing the following error code. Please advise of what steps I should take next in order to get the files uploaded.

3:12-cv-03112-EMC Carreon v. Inman et al  
ADRMOP, AO279

An Internal Error has occurred the error code is 48.

error:

An Internal Error has occurred the error code is 0x0000000000000000

Error call to backend server failed with (error: A Java exception occurred. See the detailed stack trace for more information.)

Thank you.

Charles Carreon, Esq.”

6. The next morning I received the reply attached as **page 2 of Exhibit B** as follows:

“On Fri, Jun 29, 2012 at 10:38 AM, <ECFHELPDESK@cand.uscourts.gov> wrote:

We were down since late yesterday afternoon, we should be back by 11 AM today, thank you for your patience and please review General Order 45 VI E regarding technical failures.”

7. I attempted to file again at approximately 12:30 p.m. on Friday, and notwithstanding my efforts, I was unable to do so because the site was still not accepting filings. I had to attend a deposition that afternoon in downtown Tucson, and returned to my office that evening to attempt to file again. At 7:12 p.m. I attempted to file on the ECF system, and although I was able to log in, the ECF website would not allow me to begin a filing, and displayed the error message shown on **page 3 of Exhibit B** stating: "Could not start new transaction." Accordingly, I wrote to the

1 ECF Helpdesk again, confirming my two attempts on Friday after 12:00 p.m. to file, attaching a  
2 copy of **page 3 of Exhibit B** stating in the email, attached as **page 4 of Exhibit B**

3 "Hello ECF Helpdesk:

4 I tried to file my papers again today at around 12:30 p.m. and the site was still not  
5 accepting filings, thought there was a notice on the page saying that it was  
expected it would be up.

6 Now the site looks normal, allows me to log in, but when I try to start a filing, I  
7 am told "Could not start transaction." See attached screencapture.

8 Please advise of what I should do. I have ex parte papers that need to be filed on  
Monday.

9 Thank you for your attention to this request.

10 Charles Carreon"

11 8. On Saturday, I successfully filed the Ex Parte Application, as shown on **Exhibit A** the ECF  
12 Filing Receipt.

13 9. Deeming the Ex Parte Application filed as of the time of my first effort to file at 4:48 p.m. on  
14 Thursday, June 28, 2012, will cause no prejudice to any party, because, as set forth in the  
15 Declaration of Charles Carreon, ¶¶ 18 – 34, and Exhibits I – K, submitted in Support of the Ex  
16 Parte Application as Attachments 2 and 3 to Docket # 20, the parties sought to be restrained, to  
17 wit, defendants Matthew Inman ("Inman") and Indiegogo, Inc. ("Indiegogo"), have had written  
18 notice of Plaintiff's intent to file the Ex Parte Application since June 26, 2012, and were  
19 represented by counsel of record in this action since that date.

20 10. The attorneys for Inman and Indiegogo had also been served with the Ex Parte Application  
21 and with a copy of the **page 1 Exhibit B** mail I sent to the ECF Helpdesk, as recorded in my  
22 email to counsel for Inman and Indiegogo attached hereto as **page 1 of Exhibit C**, stating:

23 "Counsel:

24 Please find attached the Ex Parte Application documents. For some reason, the  
25 ECF system is balking when I try to upload them, so I have sent an email to the  
26 ECF Helpdesk to complete that task. Accordingly, those of you who are on ECF  
will be notified of the filing by that means in due course. I expect it will be  
accomplished this evening.

27 As you probably all know, Judge Chen is not hearing cases this week. I myself  
28 have depositions all day tomorrow here in Tucson, and have requested a  
telephonic hearing in the Notice.

Very truly yours,

Charles"

1       **11.** Counsel for Inman Stephanie Shattuck replied to my email attached as **page 2 of Exhibit C**,  
2 acknowledging that the ECF system was down, stating in relevant part:

3       “The Court has this notice on its home page:  
4       ECF System is experiencing technical difficulties.  
5       Due to technical difficulties in the ECF System, ECF will be unable to accept  
6       filings until 10:30 a.m. on Friday, June 29. Please see General Order 45.VI.E for  
7       information on how technical issues affect deadlines.”

8       **12.** Accordingly, this Court is respectfully requested to deem the Ex Part Application filed at  
9       4:48 p.m., June 28, 2012. A Proposed Order so ruling is submitted herewith.

10      I hereby declare, pursuant to the provisions of 28 U.S.C. § 1746 (2), under penalty of  
11     perjury under the laws of the United States of America, that the foregoing is true and correct, and  
12     that this declaration was executed on this 30<sup>th</sup> day of June, 2012 at Tucson, Arizona.

13        
14      Charles Carreon  
15      2012.06.30  
16      19:56:08 -07'00'  
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18      Charles Carreon  
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# Exhibit A

**Motions**

[3:12-cv-03112-EMC Carreon v. Inman et al](#)

ADRMOP, AO279

**U.S. District Court****California Northern District****Notice of Electronic Filing**

The following transaction was entered by Carreon, Charles on 6/30/2012 at 5:21 PM and filed on 6/30/2012

**Case Name:** Carreon v. Inman et al

**Case Number:** [3:12-cv-03112-EMC](#)

**Filer:** Charles Carreon

**Document Number:** [20](#)

**Docket Text:**

**Ex Parte Application For Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction** filed by Charles Carreon. (Attachments: # (1) **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**, # (2) **Declaration OF CHARLES CARREON IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**, # (3) **Exhibit (S) A - K TO THE DECLARATION OF CHARLES CARREON IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**, # (4) **Proposed Order EX PARTE TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCNTION**)(Carreon, Charles) (Filed on 6/30/2012)

**3:12-cv-03112-EMC Notice has been electronically mailed to:**

Charles Carreon chas@charlescarreon.com, chascarreon@gmail.com

Corynne McSherry corynne@eff.org, cindy@eff.org, steph@eff.org

Eugene Novikov enovikov@durietangri.com

Kurt Bradford Opsahl kurt@eff.org, steph@eff.org

Mark Alan Lemley mlemley@durietangri.com, docketing@durietangri.com

Matthew Zimmerman mattz@eff.org, steph@eff.org

Ragesh K. Tangri rtangri@durietangri.com, docketing@durietangri.com, records@durietangri.com

Venkat Balasubramani venkat@focallaw.com

**3:12-cv-03112-EMC Please see General Order 45 Section IX C.2 and D; Notice has NOT been electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** C:\fakepath\NOTICE.APP.TRO.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=6/30/2012] [FileNumber=8721989-0]  
[4037705ef5b77d005529e418e0f6ba6c83faab4028e8304096223b84d2869b93cf5f2  
205ef54a10e2468e6feccf14fbb1928579204a69ce69407469138e50f3d]]

**Document description:** MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

**Original filename:** C:\fakepath\P&A.APP.TRO.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=6/30/2012] [FileNumber=8721989-1]  
[1ee0ba3d06dc7d1598a9659e573281f76d09bb d0328bd6383ab2bf23a56fcd00f7f28  
744327d3d04dedac605315a8bd5fc6bcf38511ed870aba2ee51e7908fbb]]

**Document description:** Declaration OF CHARLES CARREON IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

**Original filename:** C:\fakepath\CARREON.DEC.v.2.0.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=6/30/2012] [FileNumber=8721989-2]  
[7388de7bbb89dbc678db0e9358c08e1367a9eff5fe9c6ad81e46d6136fd6da2bd0cfc  
a9731be14cb8c5c5ddba604514de27834adf2acbaaca385ba11c705c678]]

**Document description:** Exhibit (S) A - K TO THE DECLARATION OF CHARLES CARREON IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

**Original filename:** C:\fakepath\Revised.Exhibits.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=6/30/2012] [FileNumber=8721989-3]  
[39af0079fce81987304d03c654c01d4a089b4f09cd0c4c0b6d551e05830d546b185  
d2ac044fd02be0e8949b119dcea00fc7144d12bc936282dbd00c78d88b]]

**Document description:** Proposed Order EX PARTE TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCNTION

**Original filename:** C:\fakepath\PROPOSED.ORDER.TRO.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=6/30/2012] [FileNumber=8721989-4]  
[791429bb6687e1420e70f38fd64fc68576cc111ec024ef43a142da0f6913065c841c3  
3a030ecbee003104eb04f97ecfe51b403eb923bac828166b315ddcf8531]]

# Exhibit B

## PAGE 1 OF EXHIBIT B



Charles Carreon&lt;chascarreon@gmail.com&gt;

**CV-12-3112-EMC**

3 messages

**Charles Carreon, Esq.**<chascarreon@gmail.com>  
To: ecfhelpdesk@cand.uscourts.gov

Thu, Jun 28, 2012 at 4:46 PM

Dear ECF Helpdesk:

I am requesting assistance to file the attached Ex Parte Application that is being rejected by the ECF system and showing the following error code. Please advise of what steps I should take next in order to get the files uploaded.

**3:12-cv-03112-EMC Carreon v.****Inman et al****ADRMOP, AO279**

An Internal Error has occurred the error code is 48.

error:

An Internal Error has occurred the error code is 48.

Error call to backend server failed with (error:

An Internal Error has occurred the error code is 48.C

Thank you,

Charles Carreon, Esq.

2165 S. Avenida Planeta

Tucson, AZ 85710

Tel 1: [520-841-0835](tel:520-841-0835)

Tel 2: [520-762-7314](tel:520-762-7314)

Fax: [520-843-2083](tel:520-843-2083)

This message may contain attorney-client and/or attorney work-product privileged material. If you are not the intended recipient, please first notify the sender and then delete the message and any attachment.

Inadvertent disclosures shall not work a waiver of any privilege.

**Motions**

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**4 attachments**

## PAGE 2 OF EXHIBIT B

 [NOTICE.APP.TRO.pdf](#)  
61K

 [CARREON.DEC.pdf](#)  
102K

 [XIBS.pdf](#)  
4642K

 [PROPOSED.ORDER.TRO.pdf](#)  
13K

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[ECFHELPDESK@cand.uscourts.gov](mailto:ECFHELPDESK@cand.uscourts.gov)< [ECFHELPDESK@cand.uscourts.gov](mailto:ECFHELPDESK@cand.uscourts.gov)>

Fri, Jun 29, 2012 at  
10:38 AM

To: "Charles Carreon, Esq." <[chascarreon@gmail.com](mailto:chascarreon@gmail.com)>

We were down since late yesterday afternoon, we should be back by 11 AM today, thank you for your patience and please review General Order 45 VI E regarding technical failures .

Thank you,

~The ECF Help Desk for the Northern District of California  
<http://ecf.cand.uscourts.gov>

ECF TIP:

You should only scan documents which exist only in paper. All others should be converted to PDF directly from your computer.

For more info, please see our FAQ sections.

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From: "Charles Carreon, Esq." <[chascarreon@gmail.com](mailto:chascarreon@gmail.com)>  
To: [ecfhelpdesk@cand.uscourts.gov](mailto:ecfhelpdesk@cand.uscourts.gov)  
Date: 06/28/2012 04:48 PM  
Subject: CV-12-3112-EMC

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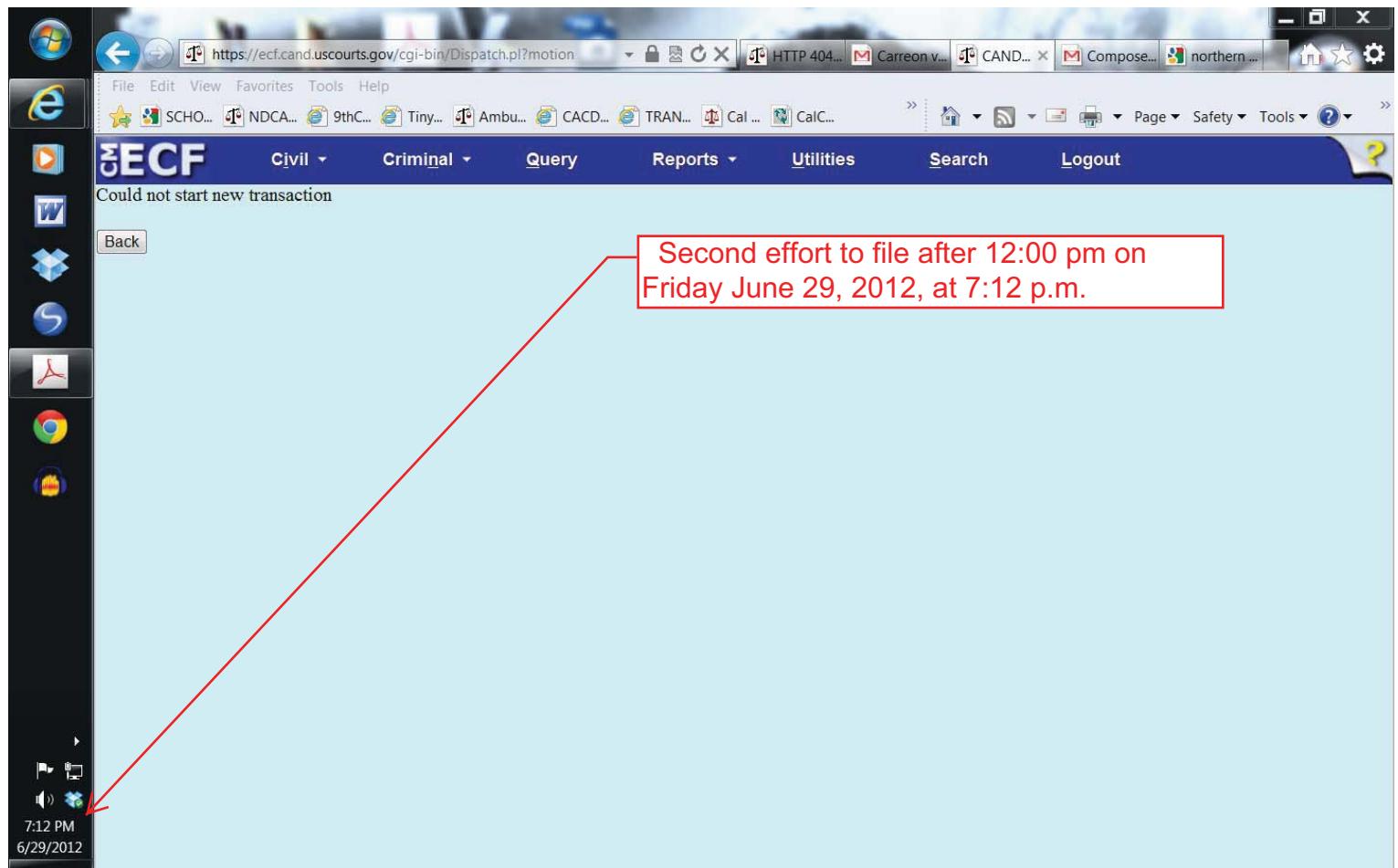
Dear ECF Helpdesk:

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[3:12-cv-03112-EMC Carreon v. Inman et al](#)  
[ADRMOP, AO279](#)

An Internal Error has occurred the error code is 48.

error:



## PAGE 4 OF EXHIBIT B

An Internal Error has occurred the error code is 48.

Error call to backend server failed with (error:

An Internal Error has occurred the error code is 48.C

Thank you,  
Charles Carreon, Esq.  
2165 S. Avenida Planeta  
Tucson, AZ 85710  
Tel 1: [520-841-0835](tel:520-841-0835)  
Tel 2: [520-762-7314](tel:520-762-7314)  
Fax: [520-843-2083](tel:520-843-2083)

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### Motions

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[attachment "NOTICE.APP.TRO.pdf" deleted by ECFHELPDESK/CAND/09/USCOURTS] [attachment "CARREON.DEC.pdf" deleted by ECFHELPDESK/CAND/09/USCOURTS] [attachment "XIBS.pdf" deleted by ECFHELPDESK/CAND/09/USCOURTS] [attachment "PROPOSED.ORDER.TRO.pdf" deleted by ECFHELPDESK/CAND/09/USCOURTS]

---

**Charles Carreon, Esq.** <chascarreon@gmail.com>  
To: ECFHELPDESK@cand.uscourts.gov

Fri, Jun 29, 2012 at 7:21 PM

Hello ECF Helpdesk:

I tried to file my papers again today at around 12:30 p.m. and the site was still not accepting filings, thought there was a notice on the page saying that it was expected it would be up.

Now the site looks normal, allows me to log in, but when I try to start a filing, I am told "Could not start transaction." See attached screencapture.

Please advise of what I should do. I have ex parte papers that need to be filed on Monday.

Thank you for your attention to this request.

Charles Carreon

On Fri, Jun 29, 2012 at 10:38 AM, <[ECFHELPDESK@cand.uscourts.gov](mailto:ECFHELPDESK@cand.uscourts.gov)> wrote:

We were down since late yesterday afternoon, we should be back by 11 AM today, thank you for your patience and please review General Order 45 VI E regarding technical failures .

# Exhibit C

## PAGE 1 OF EXHIBIT C



Charles Carreon&lt;chascarreon@gmail.com&gt;

**Carreon v. Inman / Ex Parte Application / Fwd: CV-12-3112-EMC**

2 messages

**Charles Carreon, Esq.** <chascarreon@gmail.com>

Thu, Jun 28, 2012 at 4:55 PM

To: Venkat Balasubramani &lt;venkat@focallaw.com&gt;, corynne@eff.org, cindy@eff.org, steph@eff.org, Eugene Novikov &lt;ENovikov@durietangri.com&gt;, kurt@eff.org, mlemley@durietangri.com, mattz@eff.org, rtangri@durietangri.com, "Grilli, Sarah" &lt;SGrilli@kilpatricktownsend.com&gt;, Kelvin.Gong@doj.ca.gov

Counsel:

Please find attached the Ex Parte Application documents. For some reason, the ECF system is balking when I try to upload them, so I have sent an email to the ECF Helpdesk to complete that task. Accordingly, those of you who are on ECF will be notified of the filing by that means in due course. I expect it will be accomplished this evening.

As you probably all know, Judge Chen is not hearing cases this week. I myself have depositions all day tomorrow here in Tucson, and have requested a telephonic hearing in the Notice.

Very truly yours,

Charles

Charles Carreon, Esq.

2165 S. Avenida Planeta

Tucson, AZ 85710

Tel 1: [520-841-0835](tel:520-841-0835)Tel 2: [520-762-7314](tel:520-762-7314)Fax: [520-843-2083](tel:520-843-2083)

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----- Forwarded message -----

From: **Charles Carreon, Esq.** <chascarreon@gmail.com>

Date: Thu, Jun 28, 2012 at 4:46 PM

Subject: CV-12-3112-EMC

To: [ecfhelpdesk@cand.uscourts.gov](mailto:ecfhelpdesk@cand.uscourts.gov)

Dear ECF Helpdesk:

I am requesting assistance to file the attached Ex Parte Application that is being rejected by the ECF system and showing the following error code. Please advise of what steps I should take next in order to get the files uploaded.

**3:12-cv-03112-EMC Carreon v.****Inman et al****ADRMOP, AO279**

## PAGE 2 OF EXHIBIT C

---

**Stephanie Shattuck**<steph@eff.org>

Thu, Jun 28, 2012 at 5:02 PM

To: "Charles Carreon, Esq." <chascarreon@gmail.com>

Cc: Venkat Balasubramani <venkat@focallaw.com>, corynne@eff.org, cindy@eff.org, Eugene Novikov <ENovikov@durietangri.com>, kurt@eff.org, mlemley@durietangri.com, mattz@eff.org, rtangri@durietangri.com, "Grilli, Sarah" <SGrilli@kilpatricktownsend.com>, Kelvin.Gong@doj.ca.gov

The Court has this notice on its home page:

**ECF System is experiencing technical difficulties.**

Due to technical difficulties in the ECF System, ECF will be unable to accept filings until 10:30 a.m. on Friday, June 29. Please see [General Order 45.VI.E](#) for information on how technical issues affect deadlines.

For filings that have a deadline, please contact the Courtroom Deputy for your Judge.

[Quoted text hidden]